THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.1644 of 2006

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DATED: 31-01-2006

Between:

Abdul Waheed Khan . . .Petitioner

and

The A.P. Generation Corporation, Hyd.,

and others . . .Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1644 of 2006

O R D E R:

The petitioner challenges the order, dated 31-10-2002, passed by the Chief Engineer, RTS, AP GENCO, Ramagundam, Karimnagar District, second respondent herein, dismissing him from the services as Junior Plant Attendant (JPA). The punishment was imposed on the petitioner, after conducting an enquiry into the allegation that the certificates produced by the petitioner were fabricated.

Learned counsel for the petitioner submits that even if the certificates produced by the petitioner are to be ignored, his case can be considered on the ground of mercy and that such a treatment was accorded to several persons. This Court is not inclined to accede to the said submission. At any rate, the petitioner had a remedy, by way of appeal and it was clearly stated so in the impugned order itself. It is true that the limitation prescribed for preferring the appeal is three months and more than three years have elapsed from the date of passing of the order. If the petitioner intends to avail the remedy, he has to file an application for condonation of delay, narrating the circumstances, under which, he was incapacitated from availing the remedy. The appellate authority can appreciate the same and pass appropriate orders.

Hence, the writ petition is disposed of, leaving it open to the petitioner to avail the remedy of appeal, by way of filing an application for condonation of delay, and the appellate authority shall consider the same on its own merits and pass appropriate orders.

There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

31st JANUARY, 2006.

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